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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,229	09/12/2003	Joseph R. Hedrick	0112300-612	6841
29159	7590	04/26/2007	EXAMINER	
BELL, BOYD & LLOYD LLP			SAGER, MARK ALAN	
P.O. Box 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690			3714	
MAIL DATE		DELIVERY MODE		
04/26/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/661,229	9/12/03	HEDRICK ET AL.	0112300-612

EXAMINER

M. A. Sager

ART UNIT

PAPER

3712

03292007

DATE MAILED:

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Commissioner for Patents

Applicant is notified that no additional time is granted with this Notice of non-responsive amendment such that time period to respond to prior Notice mailed Nov 3, 2006 continues from its date of mailing. The office has determined that the supplemental amendment rec'd Jan 3, 2007 is NOT a bona-fide attempt to respond to prior Notice since reply continues to fail to address obviousness holdings and thus reply contains a serious omission, as per MPEP 714.03, for failing to respond to all rejections. It is noted that the cited supplemental amendment continues to respond to anticipation holdings with no remark regarding obviousness. A general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of 37 CFR 1.111. In this case, the cited reply presents a general allegation of patentability and no arguments regarding either error of obviousness holding or specifically pointing out how the language of the claims patentably distinguishes over applied references in obviousness holding.

The practice set forth in 37 CFR 1.135(c) does not apply where there has been a deliberate omission of some necessary part of a complete reply; rather, 37 CFR 1.135(c) is applicable only when the missing matter or lack of compliance is considered by the examiner as being "inadvertently omitted." In this instance, Applicant was notified of deficiencies in action mailed 11/3/06 that included statements indicating reply to obviousness holdings was lacking. The cited supplemental reply again fails to address the noted obviousness holdings in order to respond to all rejections per requirements of 37 CFR 1.111. Once an inadvertent omission is brought to the attention of the applicant, the question of inadvertence no longer exists. Therefore, a second Office action giving another new (1 month) time period to supply the omission would not be appropriate under 37 CFR 1.135(c). See MPEP 714.03.

Since the submission is not a bona fide attempt to provide a complete reply to the prior Notice and since there is sufficient time remaining for applicant's reply to be filed within the time period for reply to the prior Notice (or within any extension pursuant to 37 CFR 1.136(a)), applicant is notified that the omission must be supplied within the time period for reply (no additional time from prior action is granted). However, Applicant may extend prior time period from prior Notice pursuant to 37 CFR 1.136(a).

M. A. Sager
Primary Examiner
Art Unit: 3712